

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

MICHAEL HOWARD HUNTER,
Petitioner,
vs.
SPOKANE COUNTY SHERIFF,
Respondent.

NO. CV-09-166-CI

ORDER ADOPTING REPORT AND RECOMMENDATION AND DENYING MOTION

Magistrate Judge Imbrogno filed a Report and Recommendation on November 10, 2009, recommending Mr. Hunter's Motion to Vacate be denied for lack of jurisdiction as this case is currently on appeal to the Ninth Circuit Court of Appeals. There being no objections, the court **ADOPTS** the Report and Recommendation. The Motion (Ct. Rec. 63) is **DENIED**.

IT IS SO ORDERED. The District Court Executive is directed to enter this Order, forward a copy to Petitioner and **close the file**.

DATED this 4th day of December, 2009.

s/Robert H. Whaley
ROBERT H. WHALEY
UNITED STATES DISTRICT JUDGE

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MOTION -- 1**